

On motion of Senator Camp, Senator Culberson was excused from voting on the case before the court, as he was absent during all the action heretofore had in said case.

The President of the Senate announced that two speakers would be allowed to address the court in behalf of the State, and two in behalf of the respondent; and no limit of time would be made as to how long each one should speak.

Representative Farrar, of the board of managers, then addressed the court.

The respondent then addressed the court. During his remarks, on motion of Senator Parker, the court adjourned to 3 o'clock P. M.

#### IN SENATE.

Senator Wood introduced a bill entitled "An act prescribing the manner of transacting certain business in the General Land Office, and repealing a certain act therein named." Read first time and referred to committee on Land Office.

On motion of Senator Dillard, the Senate adjourned to 3 o'clock P. M.

#### AFTERNOON SESSION.

#### IN COURT.

The court met pursuant to adjournment. Roll called; quorum present.

The secretary was instructed to inform the board of managers and respondent that the court was now in session and ready to proceed to business.

The board of managers and respondent appearing within the bar of the court, Judge Chambers resumed his argument.

At the close of his remarks, Mr. Delaney, of the board of managers, addressed the court.

Pending his argument, on motion of Senator Wood, the court adjourned to 10 A. M. to-morrow.

#### IN SENATE.

On motion of Senator Westfall, the Senate adjourned to 9 A. M. to-morrow.

#### FIFTEETH DAY.

#### SENATE CHAMBER.

At 10 A. M., March 14, 1874. A

Senate met pursuant to adjournment. Roll called; quorum present.

Absent without leave: Senator Delapl.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Trolinger, Senator Parker was excused for the day on account of illness.

On motion of Senator Friend, Senator Ellis was granted a further leave of absence until Monday next.

Senator Westfall presented the petition

of Catlet Barnett heirs for bounty land. Read and referred to the Committee on Private Land Claims.

Senator Bradshaw presented a memorial from citizens of Tarrant county, asking that the Legislature do not grant the extension of time asked for by the Texas and Pacific road. Read and referred to Judiciary Committee.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

*Hon. R. E. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and compared the following Senate bills, to-wit: Senate bill No. 32, "An act to amend article 773 b, of 'An act to establish a Criminal Code for the State of Texas;'" Senate bill No. 53, "An act to amend article 587, of the Code of Criminal Procedure;" Senate bill No. 117, "An act to amend section thirteen of 'An act providing for a geological survey of the State of Texas,'" approved August 13, 1870; Senate bill No. 189, "An act to authorize justices of the peace to employ assistant assessors in certain cases;" and Senate bill No. 192, "An act to validate assessments made by assistant assessors," and find the same correctly enrolled, and have this thirteenth day of March, 1874, at 11:10 A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Moore introduced a joint resolution "Urging our members in Congress to support the proposed amendment to the Constitution in regard to the tenure of office of the President and Vice President of the United States." Read and referred to Committee on Federal Relations.

A message was received from the House announcing the passage of a concurrent resolution, "To consider addresses against district judges at night sessions."

On motion of Senator Dillard, the message from the House was taken up and read.

Senator Dillard moved that the Senate concur in House resolution. *Lost.*

Report from special committee of free conference of the two houses:

*Hon. R. E. Hubbard, President of the Senate:*

Your committee of free conference on the disagreement between the two houses upon House bill No. 112, "An act to provide for the immediate apportionment of the school fund which should have been apportioned in December, 1873," have had the same under consideration, and have come to the following agreement: First, that the Senate recede from its amendments. Second, that the House agree that section two of the bill be amended so as hereafter to read as follows:

Section 2. The Superintendent of Public

Instruction shall, on the first day of May, A. D. 1874, proceed to make the apportionment as required by section nine of "An act to establish and maintain a system of public free schools in the State of Texas," approved April 30, 1873, from such data as he may have in his possession; provided, that the latest returns from any county of the scholastic population therein shall be observed in such apportionment.

All of which is respectfully submitted.

W. H. WESTFALL,

Chairman Senate Committee.

FRANK RAINY,

Chairman House Committee.

On motion of Senator Bradshaw the report was adopted.

On motion of Senator Westfall, the Senate took a recess of five minutes in order to prepare for the session of the court, as the time for the same was near at hand.

At the expiration of the time, the Senate was called to order.

Roll called; quorum present.

Absent, without leave—Senator Ireland.

The President announced that the hour had arrived for the session of the court.

IN COURT.

The sergeant-at-arms made the usual proclamation.

The secretary was instructed to inform the House of Representatives that the Senate was now setting as a high court of impeachment, for the trial of Judge Chambers, of the First Judicial District, and to invite them, the board of managers thereof, and respondent into the court.

The secretary returned, and informed the President that his instructions had been obeyed.

The sergeant-at-arms announced the board of managers, who came forward and took a seat within the bar of the court.

The respondent came forward and took a seat within the bar of the court.

Mr. Delaney of the board of managers, then resumed his argument.

At the close of his remarks, the President announced that the court would consider each of the charges *seriatim* and vote on them by yeas and nays.

Senator Swift moved that the court be cleared of spectators for the purpose of consultation. Lost.

Senator Bradshaw moved that the court stand adjourned until Monday 10 A. M. Lost.

The secretary then read the first article. The charge was not sustained by the following vote:

Yeas—Senators Bradley and Dillard—2.

Nays—Senators Allison, Ball, Baker, Bradshaw, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Trolinger and Westfall—21.

The second article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—Senators Bradley and Dillard—2.

Nays—Senators Allison, Ball, Baker, Bradshaw, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—21.

The third article was then read, and the court refused to sustain the charge therein made, by the following vote:

Yeas—None.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—23.

The fourth article was then read, and the court refused to sustain the charge by the following vote:

Yeas—Senators Bradshaw, Bradley and Dillard—3.

Nays—Senators Allison, Ball, Baker, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—20.

The fifth article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—Senators Allison, Ball, Bradshaw, Bradley, Dillard and Swift—6.

Nays—Senators Baker, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Trolinger and Westfall—17.

The sixth article was then read, and the court refused to sustain the charge made by the following vote:

Yeas—Senators Allison, Ball, Bradshaw, Bradley, Dillard and Moore—6.

Nays—Senators Baker, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Randle, Russell, Stirman, Swift, Trolinger and Westfall—17.

The seventh article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—Senators Allison, Bradley and Swift—3.

Nays—Senators Ball, Baker, Bradshaw, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—20.

The eighth article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Moore, Swift, Trolinger and Westfall—9.

Nays—Senators Baker, Burton, Camp, Davenport, Dwyer, Erath, Friend, Flana-

gan, Hobby, Ledbetter, Morris, Randle, Russell and Stirman—14.

The ninth article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—Senators Allison, Bradshaw, Bradley and Dillard—4.

Nays—Senators Ball, Baker, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—19.

Article tenth was then read and the court refused to sustain the charge therein made, by the following vote:

Yeas—Senators Ball, Bradshaw, Bradley and Dillard—4.

Nays—Senators Allison, Baker, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—19.

The eleventh article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—none.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—23.

The twelfth article was then read, and the court refused to sustain the charge therein made by the following vote:

Yeas—None.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—23.

The thirteenth and last article was then read, and the court refused to sustain the charge made, by the following vote:

Yeas—None.

Nays—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—23.

Senator Russell then offered the following order:

WHEREAS, William Chambers, Judge of the First Judicial District of the State of Texas, has been found "not guilty" upon a trial of the several articles of impeachment preferred against him; therefore, be it

Ordered by the High Court of Impeachment: That the respondent, Wm. Chambers, be discharged hereof, and that he go hence without day.

Adopted by the following vote:

Yeas—Senators Allison, Ball, Baker, Bradshaw, Burton, Camp, Davenport, Dil-

lard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift, Trolinger and Westfall—23.

Nays—None.

On motion of Senator Dillard, the High Court of Impeachment adjourned *sine die*.

IN SENATE.

On motion of Senator Russell, the Senate adjourned to 9 o'clock A. M. next Monday.

## FIFTY-FIRST DAY.

SENATE CHAMBER, (

AUSTIN, March 16, 1874. )

Senate met pursuant to adjournment. Roll called; quorum present.

Absent without leave—Senator Ellis.

Prayer by the chaplain.

Journal of Saturday read and adopted.

Reports from Judiciary Committee:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 220, "An act to require the Secretary of State to furnish counties with reports of the Supreme Court in certain cases," have had the same under consideration, and instruct me to report the bill back with the recommendation that it do pass. CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 218, "An act to repeal an act requiring justices of the peace to tax a jury fee of three dollars in each criminal case heard before them, and to allow fees to jurors in such cases," approved August 11, 1870, have had the same under consideration, and instruct me to report it back with the recommendation that the bill do not pass.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 249, "An act to amend article 515, of 'An act to establish a Code of Criminal Procedure, for the State of Texas,'" have had the same under consideration, and instruct me to report the bill back, with the following amendment: That the third reason in section one, read thus: "that he is not twenty one years of age, a qualified elector under the Constitution and laws, and a resident of the proper county," and recommend its passage as amended. CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 195, "An act in relation to married women," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

CULBERSON, for Committee.